IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.6 OF 2006 IN SUIT NO.719 OF 1982

Hasmukh N. Malkan. ..Plaintiff.
Vs.
Mrs.Seems R. Kohil and ors. ..Defendants.
And
Ramesh G. Timbadia and ors. ..Respondents.

Mr.M.A.Shah i/by A.G. Shah for Applicant/Plaintiff.
Mr.R.A.Shah for Defendant Nos. 1(a) and 1(a-3)
Mr. A. Dasgupta for the Respondents.

CORAM : R.S. MOHITE,J.
DATED : 22/8/2006.

P.C.

1. This chamber summons is taken out by the plaintiff for amending the plaint as per the draft amendment annexed to the schedule. The suit is for specific performance and the same was filed in the year 1982 against the original defendant Nos. 1 and 2. The original defendant No.1 has expired and his heirs were brought on record. The Advocate for the plaintiff states that the defendants have created third party interest on 29.4.1994, pending disposal of the suit. According to the plaintiff, he came to know about the creation of such right when the reply was filed on 19.7.2005 in Notice of Motion No.1856/2005 which was filed by the plaintiff for appointment of Court Receiver

by way of further relief in the suit. Ad interim relief in the said motion was declined by the court and the appeal filed against the said order was withdrawn as the suit and notice of motion were expedited by the Appellate Court. In the circumstances, present chamber summons was taken out for reliefs claimed. In my view, the aforesaid chamber summons will have to be allowed because the respondents who are sought to be added as respondents are necessary parties to the suit. Hence, the chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today. Delay in filing of the chamber summons stands condoned.

(R. S. MOHITE, J.)